

Rev. 9/00
Modified PTO 1082
For A*Small Entity

PATENTS

Attorney Docket No. MPG-1 DIV-1

Applicant(s) : Michael Wassenegger, Leonhard Riedel, Winfried Scheibel, and
Heinz L. Sanger

For : NUCLEIC ACID MOLECULES ENCODING POLYPEPTIDES HAVING THE
ENZYMATIC ACTIVITY OF AN RNA-DIRECTED RNA POLYMERASE (RdRP)

EXPRESS MAIL CERTIFICATION

"Express Mail" mailing label number EI187447517US
Date of Deposit February 8, 2001

I hereby certify that this transmittal letter and the other papers and fees identified in this transmittal letter as being transmitted herewith are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to the Hon. Commissioner for Patents, Washington, D.C. 20231.

Hon. Commissioner
for Patents
Washington, D.C. 20231

Signature
CURTIS J. SANGER
TRANSMITTAL LETTER FOR RULE 53(b)
CONTINUING PATENT APPLICATION

10/09/01
09/782874
10/09/01
U.S. PTO

Sir:

This is a request for filing a ☐ continuation, ☒ divisional, application of pending prior Application No. 08/811,583 filed March 5, 1997.

Transmitted herewith for filing are the ☒ specification; ☒ claims; ☒ abstract; ☒ declaration; ☒ power of attorney; ☒ Information Disclosure Statement; ☒ duplicate copies of PTO Form 1449; ☒ paper copy of Sequence Listing; and preliminary amendment for the above-identified patent application.

The enclosed declaration is:

- ☐ Newly executed (original or copy).
☒ Copy from a prior application (37 C.F.R. § 1.63(d)).
☐ A signed statement is attached deleting inventors named in the prior application (37 C.F.R. §§ 1.63(d)(2) and 1.33(b)).
☐ The entire disclosure of the prior application, from which a copy of the declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☒ The prior application, Application No. 08/811,583, filed March 5, 1997, is assigned of record to Michael Wassenegger and Leonhard Riedel on Reel No. 010488, Frame No. 0417, recorded on January 5, 2000.

31044 U.S. PTO
02/08/01

02/08/01
U.S. PTO

Also transmitted herewith are:

☒ 6 sheets of:

☐ Formal drawings.

☒ Informal drawings. Formal drawings will be filed during the pendency of this application.

☐ An assignment of the invention to _____

☐ A check in the amount of \$40.00 to cover the recording fee.

☐ Please charge \$40.00 to Deposit Account No. 06-1075 in payment of the recording fee. A duplicate copy of this transmittal letter is transmitted herewith.

☐ An associate power of attorney.

☐ A certified copy of the priority document, _____ application, No. _____, filed _____.

☒ A verified statement to establish small entity status under 37 C.F.R. §§ 1.9 and 1.27 ☐ is enclosed, ☒ was filed in the prior application and such status is still proper and desired (37 C.F.R. § 1.28(a)).

The filing fee has been calculated as shown below:

| FOR | NUMBER FILED | | NUMBER EXTRA | | RATE | | FEE |
|--|-----------------|--------|-----------------|---|-------|------|-----------|
| BASIC FEE | | | | | | \$ | 355.00 |
| TOTAL CLAIMS | 58 | - 20 = | 38 | x | \$ 09 | = \$ | 342.00 |
| INDEPENDENT CLAIMS | 1 | - 3 = | 0 | x | \$ 40 | = \$ | |
| <input checked="" type="checkbox"/> A MULTIPLE DEPENDENT CLAIM | | | | + | \$135 | = \$ | 135.00 |
| TOTAL | | | | | | | \$ 832.00 |

☒ A check in the amount of \$ 832.00 in payment of the filing fee is transmitted herewith.

☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16 in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.



Please charge \$ _____ to Deposit Account No. 06-1075 in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|------------------|---|---|
| Examiner | : | Not yet assigned |
| Group | : | Not yet assigned |
| Applicants | : | Michael Wassenegger et al. |
| Application No. | : | Not yet assigned |
| Confirmation No. | : | Not yet assigned |
| Filed | : | Concurrently herewith |
| For | : | NUCLEIC ACID MOLECULES ENCODING POLYPEPTIDES HAVING THE ENZYMATIC ACTIVITY OF AN RNA-DIRECTED RNA POLYMERASE (RdRP) |

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02/08/01

New York, New York
February 8, 2001

Hon. Commissioner for Patents
Washington, D. C. 20231

STATEMENT UNDER 37 C.F.R. §§ 1.821 AND 1.825

In accordance with 37 C.F.R. §§ 1.821(g) and 1.825(a), I hereby state that the substitute paper copy of the Sequence Listing attached herewith does not include new matter and is supported by the application as originally filed.

The paper copy of the Sequence Listing in this application is identical to the computer readable copy of the Sequence Listing filed in United States Application 08/811,583, filed March 5, 1997 ("the '583 application"). In accordance with 37 C.F.R. § 1.821(e), please use the last-filed computer readable form filed in that application as the

computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the instant application. A paper copy of the Sequence Listing is included in a separately filed preliminary amendment for incorporation into the specification.

In accordance with 37 C.F.R. §§ 1.821(e), 1.821(g), and 1.825(e), I also hereby state that the content of the computer readable form filed December 24, 1997 does not include new matter and is supported by the application as originally filed.

Respectfully submitted,



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